

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10, 14-19 and 21-25 are currently being amended.

Claim 27 is currently being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-10 and 12-27 are now pending in this application.

### **Objection to the Claims**

Claims 15 and 21 were objected to for certain informalities. Applicant has amended claims 15 and 21 to correct the typographical error. The objection should now be withdrawn.

### **Rejections under 35 U.S.C. § 112**

Claims 22-25 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claims 22-25 to more clearly recite the invention as recited in claims 22-25. The claims are now in definite form. Accordingly, the rejection under 35 U.S.C. § 112 should be withdrawn.

### **Rejections under 35 U.S.C. § 101**

Claims 10, 12, 13, 17 and 18 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses the rejection for at least the following reasons.

The Examiner argues that the network element of claim 10 recites an IP addressing unit which may be “strictly software.” See Office Action dated March 26, 2008, Page 5.

Accordingly, the Examiner alleges that claim 10 falls under the category of computer programs. Applicant respectfully disagrees.

Claim 10 recites a “network element,” which is itself tangible. Whether or not the “IP protocol address generating unit” is implemented as software is irrelevant for purposes of 35 U.S.C. § 101. Since the network element itself is a tangible item, claim 10 as a whole is directed to statutory subject matter.

Further, claims 12, 13, 17 and 18 depend, either directly or indirectly, from independent claim 10 and are, therefore, also directed to statutory subject matter.

### **Rejections under 35 U.S.C. § 103**

Claims 1, 3-10, 12-21 and 23-26 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,438,124 to Wilkes *et al.* (hereinafter “Wilkes”). Applicant respectfully traverses this rejection for at least the following reasons.

In accordance with embodiments of the present invention, a gateway is provided between a circuit-switched network, such as a public switched telephone network (PSTN) and the Internet. The gateway of the embodiments of the present invention functions as a transmission node of the network and, accordingly, may be transparent to a user. Rather than the user, it is the PSTN which decides to utilize the gateway for routing certain calls. The users are not involved in the decision. Accordingly, claim 1 recites “determining ... an indication of a destination address ... based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line.” Independent claims 10, 14, 16, 17, 18 and 19 each recite a similar feature.

Wilkes fails to teach or suggest at least the above-noted feature of the pending independent claims. Wilkes relates to a VoiceEngine device that functions between a PSTN and the Internet. In contrast to the gateway of the embodiments of the present invention, the device of Wilkes acts as a terminal. For example, in accordance with the disclosure of Wilkes, a telephone user may identify and make a call to the VoiceEngine. Thus, the user personally knows that, by dialing a specific number and making a call to the VoiceEngine, he

gains access to certain advantages of further routing his call. Thus, unlike embodiments of the present invention, Wilkes discloses a device that is not transparent to the user.

Further, in accordance with embodiments of the present invention, the manner in which the connection is made between the gateway to the rest of the circuit switched network is by a trunk line. A typical trunk line of a circuit switched network is one that carries a large number of simultaneous connections with the aid of a suitable multiplexing scheme. Embodiments of the present invention utilize time slots due to the fact that in a typical trunk line, time division multiplexing (TDM) is utilized.

By contrast, Wilke discloses the use of a single extension line, or multiple single extension lines, each being identified with a particular telephone number and each leading to a single, individual terminal emulator. See, Wilkes, Figure 4 (Phones Lines 63; Voice Board DSPs 61). Each individual extension line (i.e., “telephone line 63”) leads from the receiving VoiceEngine and carries exactly one telephone connection, similar to a telephone line leading to an individual telephone terminal. Therefore, Wilkes fails to teach or suggest having channels in the circuit switched telephone line extension.

The Examiner cites Wilkes as disclosing the above mentioned feature at col. 3, line 59 to col. 4 line 4. However, this cited portion of Wilkes merely discloses that a user dials a number directed to the first VoiceEngine and directs the number of the party actually called to it. The first VoiceEngine then forwards the number to the second VoiceEngine, which completes the call. Wilkes fails to teach or suggest how to determine destination addresses of IP protocol datagrams or any channel parameters or circuit switched channel identifying parameters, as recited in the pending independent claims.

Since neither Wilkes nor any other cited reference teaches or suggests at least the above-noted features of the pending claims, independent claims 1, 10, 14, 16, 17, 18 and 19 are patentable. Claims 3-9, 12, 13, 15, 20-21 and 23-26 each depend, either directly or indirectly, from one of allowable claims 1, 10, 14, 16, 17, 18 or 19 and are, therefore, patentable for at least that reason, as well as for other patentable features when those claims are considered as a whole.

Claim 22 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wilkes in view of U.S. Patent No. 6,449,278 to Rose. Claim 22 depends directly from allowable claim 1 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

**Newly Added Claims**

Applicant has added new claim 27 to recite another aspect of the invention. No new matter is introduced. Claim 27 is believed to be patentable for at least the reasons noted above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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